

EASTLEIGH BOROUGH COUNCIL

EMPTY HOMES STRATEGY 2016-19

Introduction:

This empty homes strategy sets out the initiatives which Eastleigh Borough Council plans to implement over the next 3 years (2016 – 2019) to maximise the re-use of empty properties across the Borough of Eastleigh. These initiatives are outlined in appendix 1.

Empty properties have a wide social impact – they can affect the communities and the residents living nearby who have to suffer the consequences of empty dwellings being vandalised or falling into disrepair and a derelict state.

Empty properties are wasted resources, especially when there is a high demand for housing in Eastleigh. Empty properties can lower the quality of the local environment and affect the sense of community.

This strategy aims to develop a co-ordinated approach to tackling the issue of empty properties, and producing effective solutions which help in achieving the council's themes of a green, healthy, prosperous borough and contributing to meeting the local housing need, and affordable housing which is at a premium.

It must be noted that the number of long term (more than 2 years) empty properties in the borough are relatively few compared to the number empty at 6 months. Given budgetary pressures the strategy takes a pragmatic approach to the issue, aiming to minimise bureaucracy whilst ensuring that opportunities to bring properties back into use are taken and 'problem' properties are dealt with.

Empty Dwellings

An empty dwelling is defined in the Housing Act 2004 and the relevant paragraph is detailed in Appendix 2

There are many benefits to the local community and the property owners by bringing the properties back into use;

- Provision of usable housing, reducing the pressure on existing housing stock.
- Improvement of existing built environment, maintaining safe, attractive communities and neighbourhoods.
- Bringing properties back into use will contribute to regeneration and increased investment in an area which in turn leads to improved community cohesion, and preventing the depreciation of property values.

- Owners can realise the value of their asset by bringing it back into use.
- Preventing empty dwellings becoming the focus of anti-social behaviour.

Objectives:

- To maximise the re-use of empty properties, including non-residential premises in certain circumstances.
- To increase the amount of housing available.
- Improve the existing built environment, creating attractive neighbourhoods.
- To deliver safer, stronger communities.
- To work with a range of partners and individuals to make the best use of resources.

Context and Initial Process

Compared to some parts of the country Eastleigh does not have a significant problem with empty dwellings. Of a total housing stock in excess of 50,000 properties, there are usually around 300 homes empty for over six months (the statutory definition of long term empty) and approximately 56 homes empty for more than 12 months, at any given time. Many of these properties are awaiting probate following the death of an owner. Others may fall within exempt categories as listed below or be known as awaiting demolition and redevelopment.

- Properties with tied tenancies to agricultural employment.
- Properties with tied tenancies to employment.
- Properties owned by Constabularies, NHS and other exempted owners.
- Properties owned by Armed Forces personnel on deployment.
- Where the owner is resident elsewhere and receiving personal care elsewhere.
- Second homes or holiday homes. (to be kept under review and amended in accordance with government or council policy changes)
- If the property is under criminal investigation or proceedings.
- If the property is subject to court action.
- Ecclesiastical properties.

During the period of 6-12 months we will not take any action to allow the owner time to decide on an appropriate course (unless the property is subject

to vandalism/anti-social behaviour or we are contacted for specific advice/action). We will check the council tax database monthly to identify properties empty for over 12 months. These will then be subject to a staged and proportionate course of action which is likely to be:

- An initial letter offering advice and assistance to the owners to bring the property back into use and asking that they provide information regarding their intentions for the property.
- 6 months later (18 months empty) a more strongly worded letter still asking for information but outlining the consequences of allowing the property to remain empty.
- 6 months later (2 years empty) a letter stating that enforcement action may be considered to force the property to be brought back into use.
- Within 12 months of the 2nd letter (3 years empty) appropriate action will be taken.

Copies of the letters are shown in Appendix 3.

The types of assistance that can be made available to owners are:

- Site meeting to offer advice and ideas
- Technical surveys
- Low cost loans through the Parity Trust
- Letting packages
- Access to tenancy services
- Signposting to funding opportunities
- Assistance with selling the property

Any enforcement action would be on a case by case basis and with full regard of the Council's Enforcement Policy. Key issues to consider are:

- Compliance with the Housing Health and Safety Rating System
- Compliance with Decent Homes Standard
- Complaints received
- Association with anti-social behaviour
- Neighbourhood blight
- Housing need in the area

Where properties are brought specifically to the Council's attention whether via public complaints, officer evidence or third party reports, they will be targeted for action based on the options above.

Enforcement Options

- Empty Dwelling Management Orders
- Compulsory Purchase Orders
- Statutory notices (e.g Housing Act 2004, Environmental Protection Act 1990, Town and Country Planning Act)
- Clean Neighbourhoods and Environment Act 2005
- Environmental Protection Act 1990
- Prevention of Damage by Pests Act 1949
- Public Health Act 1936

Appendix 4 gives more detail on the hierarchy of action.

Taking consideration of the above factors will lead to identifying the most appropriate course of action to take in tackling the issues associated with the empty dwelling. There are a number of options open to the council. The following chart identifies the options available, along with the actions we can take in managing the issues of empty dwellings. Actions taken will be fair and proportionate to the individual circumstances that arise with the property.

It will be the policy of Eastleigh Borough Council to only seek a Compulsory Purchase Order, enforced sales, or Empty Dwelling Management Orders in extreme circumstances.

APPENDIX 1

EASTLEIGH BOROUGH COUNCIL

EMPTY HOMES STRATEGY 2016-19

Action Plan

No	Action	Output/Target	Resources	Partner
1	<p>Strategy</p> <p>To review data regarding empty dwellings</p> <p>To send letters to owners of properties empty for over 12 months as per strategy</p> <p>To take proportionate enforcement action where appropriate</p>	<p>Monthly</p> <p>After 12 months</p> <p>As per strategy</p>	<p>Internal resources</p>	
2	<p>Information and publicity</p> <ul style="list-style-type: none"> • Update materials • Publicise new policy • Website information • Landlord & Owner information pack updates 	<ul style="list-style-type: none"> • By January 2017 • Article in Borough News by March 2017 • As required 	<p>Within existing budgets and officer time</p>	<p>PR team</p> <p>ICT Unit</p>

3	<p>Landlord web-page</p> <p>Develop a local landlord web-page providing information, advice, training and support.</p>	Publicise March 2017	Within existing budgets and officer time	Hampshire Fire & Rescue, Hampshire Police, HMRC
4	<p>Procedural development</p> <p>Develop procedures for dealing with:</p> <ul style="list-style-type: none"> • Empty Dwelling Management Orders • Compulsory Purchase Orders • Enforced sales • Tackling empty dwellings <p>Utilising RIAMS</p>	<p>Clear concise procedures outlining the steps and process required for dealing with empty dwellings, and review them on a regular frequency</p> <p>April 2017</p>	Within existing budgets and officer time	<p>Planning enforcement</p> <p>Legal Services</p> <p>Asset Management</p>
5	<p>Performance management</p> <ul style="list-style-type: none"> • Meeting standards laid out in ED Strategy • Annual target for bringing empty dwellings back into use 	<ul style="list-style-type: none"> • Monitored quarterly • Set each April based on baseline data 	Within existing budgets and officer time	<p>Council tax</p> <p>Planning enforcement</p> <p>Legal Services</p> <p>Asset Management</p>

5	Best Practice To develop best practice and joint working with other authorities sub regionally	Attendance at sub regional working group to share and develop best practice Quarterly	Within existing budgets and officer time	Housing Advisory group
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Current KPIs/Management Information for Empty Dwellings

DESIRED OUTCOME	INDICATOR	TARGET	TIMESCALE
Make best use of the housing stock	Number of empty homes brought back into use (excluding rent bonds)	12	Financial Year
	Letters sent to owners of properties empty over 12 months	95%	Within 1 month
	Letters sent to owners of properties empty over 18 months	95%	Within 1 month
	Letters sent to owners of properties empty over 24 months	95%	Within 1 month
	Appropriate enforcement action taken within 12 months of a property having being empty for 2 years.	100%	Within 12 months

Appendix 2

The Housing Act 2004 defines an empty dwelling as :

- Sect 132 (4)(a) - a “dwelling” means –
 - i. A building intended to be occupied as a separate dwelling, or
 - ii. A part of a building intended to be occupied as a separate dwelling which may be entered otherwise than through any non-residential accommodation in the building.
- Sect 133 (2) – this section applies to a dwelling if –
 - a) The dwelling is wholly unoccupied, and
 - b) The relevant proprietor is not a public sector body.

“wholly unoccupied” means that no part is occupied, whether lawfully or unlawfully.
- Sect 134 (2) - matters as to which the tribunal must be satisfied are –
 - a) That the dwelling has been wholly unoccupied for at least 6 months or such longer period as may be prescribed
 - b) That there is no reasonable prospect that the dwelling will become occupied in the near future
 - c) That, if an interim order is made, there is a reasonable prospect that the dwelling will become occupied
 - d) That the authority have complied with section 133(3) and
 - e) That any prescribed requirements have been complied with.
- Sect 134 (6) – exemptions include
 - a) Dwellings that have been occupied solely or principally by the relevant proprietor who is at the material time temporarily resident elsewhere;
 - b) Dwellings that are holiday homes or that are otherwise occupied by the relevant proprietor or his guests on a temporary basis from time to time;
 - c) Dwellings undergoing repairs or renovation;
 - d) Dwellings in respect of which an application for planning permission or building control approval is outstanding;
 - e) Dwellings which are genuinely on the market for sale or letting;
 - f) Dwellings where the relevant proprietor has died not more than the prescribed number of months before the material time.

Appendix 3. Standard Letters

Housing and Environmental Health Services

My Ref: HOEDW/15/00000
Your Ref:
Please ask for:
Direct dial:
E-Mail:

Date:

Dear ,

Empty Dwellings - Housing Act 2004

RE:

I write with reference to the above premises which I believe is currently unoccupied and has been for over 12 months. I understand that you are the owner or that you have an interest in the property.

Under the above legislation the Council has a duty to consider housing conditions within the Borough with a view to determining what action to take. This includes the identification of empty dwellings and subsequent actions to bring them back into use. Part of this involves contacting owners of such properties in order to find out why the property is empty and what the owner's intentions are with regard to occupation. It would be very helpful if you could clarify the reasons why your property has been left empty for more than 12 months.

I would therefore be grateful if you could complete and return the enclosed questionnaire by xx/xx/201x

I am sure that you will be aware there are a range of potential problems associated with a property being unoccupied that include vandalism, problems with squatters and other anti-social behaviour. These can cause the property to deteriorate, lose value and cause an annoyance to neighbours.

As such the Council are committed to bringing empty dwellings back into use to reduce such problems and to help ease pressure on the high demand for housing within the Borough.

To help you bring your property back into use the council can provide advice and assistance including:

- Advice on planning issues.
- Advice and assistance with repairs.
- Advice on letting a property as a House in Multiple Occupation.
- Advice on renting out a property yourself or using a letting agent.
- Details of potential tenants.
- A Leasing scheme through First Wessex Housing Association that will deal with management and repairs and provide you with a guaranteed

rent

- Information/undertaking of Energy Performance Certificates (EPC) by the Council
- Advice on Green Deal offers available through the Council
- Information on selling

If you require any further information or have any other queries, please contact the Private Sector Housing Team on 023 8068 8329.

Yours sincerely

Housing and Environmental Health
Services

My Ref: HOEDW/15/00000

Your Ref:

Please ask

for:

Direct dial:

E-Mail:

Date:

Dear ,

Empty Dwellings - Housing Act 2004

I write further to my previous letter regarding the above property. We have not received any contact and the property is believed to still be unoccupied. In the letter I asked you to consider your options for bringing the property back into use, and outlined assistance the council may be able to provide. The council is keen to help bring properties that have been empty for over 12 months back into use. It reduces the potential problems associated with properties being unoccupied, and helps meet the demand for housing within the borough.

There may be good reason for your property being empty. I therefore enclose a copy of the questionnaire I sent with my last letter. Please complete the questionnaire with the reason for why the property is empty and return it by the **xx/xx/201x**.

The Council recognise that most empty homes are brought back into use by their owners without assistance. A small number of properties however are left to deteriorate causing neighbour complaints and potential hazards. In these cases the council has a range of enforcement powers, such as management orders, compulsory purchase and statutory notices, that where necessary will be used to protect neighbours and prevent the decline of a street or area.

Please note, should we not receive any contact by the date above we will have to consider whether enforcement action is required in relation to this property.

If you are considering letting your property the council may be able to assist through a leasing scheme. The scheme aims to take all the stress out of letting a property and guarantees you a monthly income, whether it's let or between lets. If you are interested in having your property provide you with an income in this way please contact me on the number above.

If you require any further information or have any other queries, please contact the Private Sector Housing Team on 023 8068 8329. We look forward to receiving your questionnaire.

Yours sincerely

Housing and Environmental Health Services

My Ref: HOEDW/15/00000

Your Ref:

Please ask

for:

Direct dial:

E-Mail:

Date:

Dear ,

Empty Dwellings - Housing Act 2004

RE:

I write further to my previous 2 letters regarding the above property. We have not received any contact and the property is believed to still be unoccupied. In the letters I asked you to consider your options for bringing the property back into use and contact us to advise of your intentions for the property.

As you have previously been advised the council is keen to help bring properties that have been empty for over 12 months back into use and have a range of enforcement powers, such as management orders, compulsory purchase and statutory notices, that where necessary will be used to protect neighbours and prevent the decline of a street or area.

Unfortunately, as we have not received any contact in response to our 2 previous letters we will now be considering which of our enforcement options may be required in relation to this property.

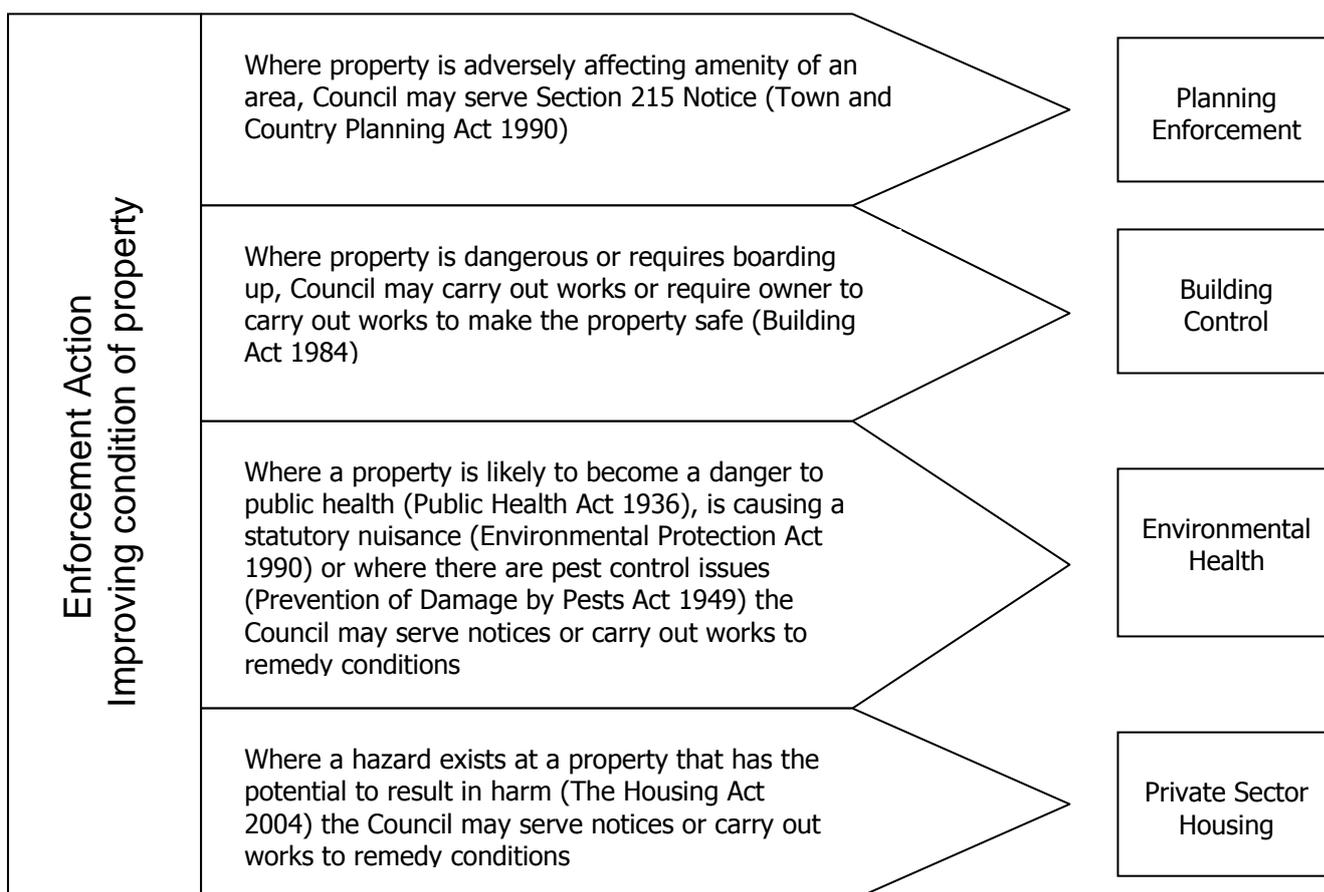
Enforcement notices will be issued in accordance with the General Enforcement Policy, a copy of which can be provided to you upon request. Any statutory notices served under the Housing Act 2004 are charged in accordance with our policy. Please find enclosed a list of all current enforcement charges under Housing Act 2004 for your information. You may also wish to view the current Empty Homes Strategy which is available at www.Eastleigh.gov.uk/

If you require any further information or have any other queries, please contact xxxx on 023 8068 xxxx. We would still like to work with you to bring your property back into use and look forward to receiving your questionnaire.

Yours sincerely

Appendix 4. Hierarchy of Action

Advice and information to empty property owners and members of the public	
Help owners to sell property: - Advice on estate agents/auctions - Incentives	Help owners to rent property: - Providing information on being a landlord - Landlord Guide and Landlord Training - Incentives
Signposting Tenants to Landlords Where property is ready to let, in area of housing need and owner is prepared to manage the property themselves – sign posting of tenants to landlords	
Private Sector Leasing Scheme No-obligation visit and schedule of works prepared by Housing Officer. Where property is in area of housing need and owner prefers an agent to manage property – refer to First Wessex Leasing Scheme	
Empty Homes Loan – proposed scheme Where property requires renovation. A low cost loan may be available to bring property up to the decent homes standard. No-obligation visit and schedule of works prepared by Council Officer. Conditional on owner letting to council nominated tenants for minimum of 2 years	



Enforced Sale Where a local land charge has been made on a long term empty property (possibly through enforcement action outlined above), the council can force the sale of the property to a third party.
Empty Dwelling Management Order (EDMO) Where property has been empty for over 2 years for no apparent reason and the owner has refused all reasonable offers of assistance. The property must be in area of housing need and no prospect of property becoming occupied under current owner. The Council would facilitate any capital works needed to allow the property to be leased and used to accommodate people in housing need. An Interim EDMO can be obtained relatively quickly and cheaply but the Council will need to assess costs against potential income when applying for a final EDMO – Housing Act 2004

Compulsory Purchase Order

Where a property is long term empty, in poor condition and in an area of housing need, ultimately for those owners who fail to re-use their property the threat and use of compulsory purchase powers will be considered. This power is most appropriate for property which requires extensive renovation and where an EDMO is unlikely to be persuasive or cost-effective. Housing Act 1985

